

Some in Senate Seek to Change Mercury Rule

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WASHINGTON, Sept. 8 -- With a deadline for action approaching, senators from both parties rallied support on Thursday for a resolution that would kill the Bush administration's proposed rule to limit mercury emissions from coal-fired power plants.

Appearing at a midday news conference, the senators said the rule was written to satisfy the utility industry and would take too long to produce benefits, causing serious health problems for thousands of people, especially pregnant women and young children living near the plants.

The senators are trying to send the rule back to the Environmental Protection Agency for reconsideration through a rarely successful procedure known as the Congressional Review Act, which allows lawmakers to challenge agency regulations through a resolution that is guaranteed a floor vote.

The deadline for the vote is Monday, although Senator Bill Frist of Tennessee, the majority leader, said other issues might force him to extend it by several days.

Senator Patrick J. Leahy, Democrat of Vermont, said, "It is sad and it is appalling to see how the agency has been captured by polluting special interests in decisions on limiting mercury pollution."

Mr. Leahy was joined by Senator Susan Collins, Republican of Maine, and Senator James M. Jeffords of Vermont, an independent who generally votes with Democrats on environmental issues.

Ms. Collins said: "We want to give the E.P.A. a chance to fix the rule and do it right."

It is doubtful, however, that their effort will produce anything more than a symbolic protest. To force a change in the rule, the resolution would have to win majority votes in the Senate and the House as well as President Bush's approval -- all of which are considered highly unlikely.

Only two Republicans, Ms. Collins and Senator Olympia J. Snowe of Maine, have expressed support for the resolution, and in the 10 years since the review act has been available, only one challenge has succeeded.

Mr. Leahy conceded that he did not know how the Senate might vote on the mercury resolution, saying, "We'll have to wait and see."

Power plants are the largest single source of mercury emissions in the country, accounting for more than 90,000 pounds of airborne mercury a year, about a third of the total output.

Until 2001, the emissions were governed by the Clean Air Act, which required plants to have the best available technology in place by 2009, improvements projected to lower emissions by 90 percent. The Bush administration changed course, removing power plants from Clean Air Act jurisdiction and proposing the first regulatory effort to cut the emissions with a plan to reduce output by 70 percent within 13 years.

Republicans, in general, favor the approach because it employs the kind of cap-and-trade system that proved effective in combating adverse effects of acid rain, and it is less expensive to power plant owners than alternatives. Under this system, a plant can exceed its permitted level of emissions by buying credits from a plant in the same region whose emissions are below what is allowed.

Democrats and many environmental and public health groups have attacked the administration rule, saying it violates the law and has the potential to lead to unnecessarily high levels of health problems because of its delayed carrying out.

Dr. Leonardo Trasande, assistant director of the Center for Children's Health and Environment at the Mount Sinai School of Medicine in New York, who joined the news conference, said a new study by his hospital found that each year 231 children nationwide suffer mental retardation caused by their mothers' exposure to mercury emissions from coal-fired power plants.

Industry groups were quick to attack the senators' effort, arguing that the proposed rule is the most efficient and cost-effective way to reduce mercury emissions.

"The best way to address concerns about mercury emissions from U.S. power plants is to leave the existing regulations in place," said Dan Riedinger, spokesman for the Edison Electric Institute, a trade group of power companies that generate about 60 percent of the nation's electricity. "Sending E.P.A. back to the drawing board would only delay regulation of power plant emissions, not accelerate them, as Senator Leahy and others claim."

Scott Segal, director of the Electric Reliability Coordinating Council, a trade group, accused the senators of misusing the review act and taking up valuable Senate time when more pressing issues were facing the country.

"Frankly, we are quite surprised that the Senate may make time to even consider this petition," Mr. Segal said, alluding to the mounting problems caused by Hurricane Katrina. "We can hardly think of a worse time to be doing so."

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